

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, ESTABLISHING ARTICLE VIII (SUBPOENA PENALTY) OF CHAPTER 54 (OFFENSES AND MISCELLANEOUS) OF THE CODE OF ORDINANCES TO PROVIDE A PENALTY FOR FAILURE OR REFUSAL TO OBEY A SUBPOENA OR PRODUCE EVIDENCE SUBJECT TO AN INVESTIGATION BY THE CITY COUNCIL; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that pursuant to Section 3.17 of the City Charter, the City Council may provide for a penalty for failure or refusal to obey a subpoena or to produce any books, papers or other evidence as a result of an investigation by the City Council into any department, agency, office, officer or employee of the City of Frisco, Texas ("City"); and

WHEREAS, the City Council desires to enact by ordinance a penalty for failure or refusal to obey a subpoena or to produce any books, papers or other evidence as a result of an investigation by the City Council into any department, agency, office, officer or employee of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Establishing Article VIII (Subpoena Penalty) of Chapter 54 (Offenses and Miscellaneous) of the Code of Ordinances. Article VIII (Subpoena Penalty) of Chapter 54 (Offenses and Miscellaneous) of the Code Ordinances providing a penalty for failure or refusal to obey a subpoena or produce evidence pursuant to an investigation by the City Council is hereby established as follows:

"Section 54-201. Failure to Obey Subpoena

Failure to obey a subpoena or produce books, papers, and other evidence as a result of an investigation made by the City Council pursuant to Section 3.17, City Charter, shall constitute a misdemeanor and shall be punishable by a fine not to exceed two hundred dollars (\$200.00).

Sections 54-202-54-210. Reserved."

**SECTION 3: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinances, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 4: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 5: Penalty Provision.** Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00). The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin a violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 6: Effective Date.** This Ordinance shall be effective upon its passage and publication as required by law.

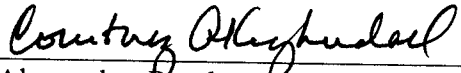
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.**

\_\_\_\_\_  
MAHER MASO, Mayor

**ATTESTED AND CORRECTLY  
RECORDED:**

\_\_\_\_\_  
Jenny Page, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Abernathy, Roeder, Boyd & Joplin P.C.  
Courtney A. Kuykendall, City Attorneys

Date of Publication: \_\_\_\_\_, *Frisco Enterprise*